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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,953	09/07/2000	Tomohiro Mizuno	11103-019001	1964

7590 07/07/2003

John F Hayden
Fish & Richardson PC
601 Thirteenth Street NW
Washington, DC 20005

EXAMINER

NGUYEN, DZUNG C

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 07/07/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/656,935

Applicant(s)

BLUSZTAJN ET AL.

Examiner

Dzung C Nguyen

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's amendment filed on 4/22/03, has been received and entered.
2. Claims 1-4 are presented for examination.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kase et al, US patent (4,949,328).

Regarding claim 1, Kase et al teach a disk player [fig 4] for holding a plurality of disks [22] at disk standby positions in a casing [1], so that a disk [22] selected from said plurality of disks [one of the disks 22] is transferred to a disk playing area [fig 6] in said casing and is reproduced, comprising: a plurality of disk trays [13, fig 6] which are stacked in a predetermined direction [y direction] for receiving said plurality of disks [22] thereon (see fig 8); disk playing assembly [37 and 43, fig 7] for clamping and playing one of said plurality of disks [22] have been moved to said disk playing area to reproduce information recorded on said disk [CD]; and a supporting mechanism [4a] for supporting said disk playing assembly [37 and 43] thereon, wherein during a movement in which one of disk trays [13] is being moved from said disk standby area [bottom position, fig 6] to

said disk playing position [top position at 37, fig 6], said one of disk trays [13] comes into engagement with said disk supporting mechanism [4a] so that said disk playing assembly [37 and 43] is caused to move in said predetermined direction thereto (see figs 17-19), and clamp and play said one of plurality of disks [22] (see figs 6-7 and 17-19).

Allowable Subject Matter

5. Claim 2-4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claim 2, none of the prior art of record taken alone or in combination teaches or suggests that the support mechanism is rotatably support about a rocking fulcrum, said disk playing assembly is supported a part from said rocking fulcrum on said supporting mechanism, and said disk playing assembly is moved in said predetermined direction by rotating said supporting mechanism about said rocking fulcrum.

6. Applicant's arguments with respect to claims 1 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

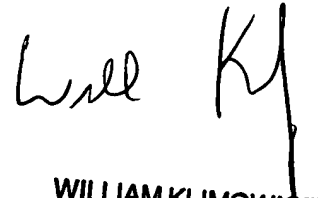
- a. Yamamura, US. Patent (4,410,921).
- b. Hayashi et al, US patent (6,519,222).

- c. Nakanishi et al, US patent (6,359,854).
 - d. Johnson et al, US patent (4,453,188).
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung Nguyen whose telephone number is (703) 305-9695. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900 and fax number is (703) 872-9314.

Dzung Nguyen

6/30/03


WILLIAM KLIMOWICZ
PRIMARY EXAMINER